

## Interview Summary

Application No.

08/333,680

Applicant(s)

Wang et al.

Examiner

Scott D. Priebe, Ph.D.

Group Art Unit

1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott D. Priebe, Ph.D.(3) Jackie Bemm(2) Laura Coruzzi(4) Karen KrupenDate of Interview Dec 7, 1998Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☐ was reached. ☒ was not reached.Claim(s) discussed: 37, 38, 46, and 47

Identification of prior art discussed:

Gregory et al.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant FAXed proposed amendment to the Examiner on 12/3/98 (Paper No. 22). Examiner pointed out that the amendment was confusing, and wasn't clear if 'only' E1 and E4 or 'at minimum' E1 and E4 needed to be complemented in trans. The latter read on PAV of Gregory et al. in which all protein coding sequences needed to be complemented. Appl. rep. stated that they were in possession of evidence that the prophetic packaged PAV of Gregory et al. could not be made by the process disclosed by Gregory et al. Ex. indicated that such evidence would need to be made of record in order to overcome the rejection. It was also suggested that Gregory et al. could be avoided by specifying in the claims not only what regions were deleted but indicating also, either implicitly or explicitly, that other coding sequences were retained. Examiner FAXed proposed claims incorporating such a limitation (attached to Office copy). Examiner pointed out that any evidence that Gregory et al. prophetic example would not work would also raise doubts about related prophetic ex. in instant spec. to "minimal" or PAV vector.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

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SCOTT D. PRIEBE, PH.D.  
PATENT EXAMINER  
ART UNIT 1632

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Proposed claims to replace claims 37, 38, 46, 47:

58. A replication-defective recombinant adenovirus, wherein the genome of the adenovirus comprises a transgene and carries at least two lethal mutations, one each in a different early gene region selected from the group consisting of the E1, E2A and E4 early gene regions, such that propagation of the replication-defective recombinant adenovirus requires complementation *in trans* for two of the E1, E2A and E4 early gene regions, and at most requires complementation *in trans* for all three of the E1, E2A and E4 early gene regions, wherein each lethal mutation in an early gene region is a deletion, an insertion or a substitution mutation or a combination of deletion, insertion or substitution mutations.

59. The replication-defective recombinant adenovirus of claim 58, wherein at least one of the lethal mutations is a deletion.

60. The replication-defective recombinant adenovirus of claim 58 carrying lethal mutations in the E1 and E4 early gene regions.

61. The replication-defective recombinant adenovirus of claim 60, wherein E4 ORF 6 is deleted.

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62. The replication-defective recombinant adenovirus of claim 58 carrying lethal mutations in the E1 and E2A early gene regions.

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**1632**



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott D. Priebe, Ph.D.

(3) \_\_\_\_\_

(2) Laura Coruzzi

(4) \_\_\_\_\_

Date of Interview Jan 14, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 37, 38, 46, and 47

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Appl. rep. was informed that the after final amendment had been received, and the Examiner would be in contact to discuss amendments to put claims in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

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**SCOTT D. PRIEBE, PH.D.**  
**PATENT EXAMINER**  
**ART UNIT 1632**

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Examiner  
Scott D. Priebe, Ph.D.

Group Art Unit  
1632



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott D. Priebe, Ph.D.

(3) Jacqueline Benn

(2) Laura Coruzzi

(4) \_\_\_\_\_

Date of Interview Jan 20, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: 37-39, 46, 48-50, and 57

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Permission was given to cancel claims 49 and 50 as being substantial duplicates of claims 48 and 39 respectively.

Permission was given to amend claims 37, 39, 46, 48 and 57 to remove extraneous subject matter, make editorial changes, of to include limitations inadvertently omitted. Appl. rep. was informed that with the Examiner's amendment the claims were allowable. Permission was given to change all appearances of "early region(s)" to --early gene region(s)-- for consistency.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

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SCOTT D. PRIEBE, PH.D.  
PRIMARY EXAMINER  
ART UNIT 1632

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